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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 50277-2404						
Pursuant to 37 CFR 1.8(a)(1)(ii) I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the electronic filing system in accordance with 37 CFR §§1.61(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST. on <u>10/31/07</u> Signature <u>/ChristopherMTanner#41518/</u> Typed or printed name <u>Christopher M. Tanner</u>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number 10/824,887</td> <td style="padding: 5px;">Filed 04/13/2004</td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor Bhaskar Ghosh et al.</td> </tr> <tr> <td style="padding: 5px;">Art Unit 2163</td> <td style="padding: 5px;">Examiner Hwa, S. J.</td> </tr> </table>	Application Number 10/824,887	Filed 04/13/2004	First Named Inventor Bhaskar Ghosh et al.		Art Unit 2163	Examiner Hwa, S. J.
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Art Unit 2163	Examiner Hwa, S. J.							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,518</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ </td> <td style="width: 40%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> _____ Signature <u>Christopher M. Tanner</u> Typed or printed name <u>(408) 414-1080</u> Telephone number <u>10/31/07</u> Date </td> </tr> </table>			<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,518</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	_____ Signature <u>Christopher M. Tanner</u> Typed or printed name <u>(408) 414-1080</u> Telephone number <u>10/31/07</u> Date				
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.								

☒ *Total of 1 _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Confirmation No.: 7312
)
Ghosh) Group Art Unit: 2163
)
Application No. 10/824,887) Examiner: Hwa
)
Filed: April 13, 2004)

For: COMPILATION AND PROCESSING A PARALLEL SINGLE CURSOR MODEL

Mail Stop AF, Pre-Appeal Conference
Commissioner for Patents
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ARGUMENTS FOR PRE-APPEAL BRIEF REVIEW

Sir:

Applicants are filing a Pre-Appeal Brief Request for Review (the "Request") in response to the Office Action mailed July 16, 2007. This paper contains the arguments for requesting the Request.

Applicants are filing a Notice of Appeal along with the Request. The Request does not contain any after-final or proposed amendments.

Applicants are filing the Request because the rejections of record are clearly not proper and are without basis as they are based on clear factual deficiencies.

Currently, Claims 1-25 and 27-29 are pending in this application.

Claims 1-3 and 15-17 as well as other claims, was rejected under 35 U.S.C. §102 as allegedly anticipated by Ratcliff (U.S. Patent No. 6,946,548). Claim 1 will be discussed as follows.

CLEAR ERROR IN REJECTION OF CLAIM 1

The Examiner's rejection of Claim 1 is clearly not proper and without basis. For convenient reference, Claim 1 is repeated in its entirety.

A method for processing a database statement within a database server, the method comprising the steps of:
receiving at the database server the database statement;
determining that at least one operation required by the database statement can be parallelized;
within the database server, generating a set of information about how to execute the database statement;
causing a plurality of slave processes to perform said at least one operation by
sharing the set of information with each slave process of said plurality of slave processes, wherein the set of information shared with each slave process includes
(a) information about a task to be performed by said slave process, and
(b) information about one or more tasks, to be performed by processes other than the slave process, to execute the database statement; and
sending to each slave process of said plurality of slave processes data that indicates which part of the set of information shared with the slave process represents the part of the at least one operation that should be performed by the slave process.

Various portions of Claim 1 are clearly not met by the cited references. This has been described in previous communications (see Amendment and Response dated June 12, 2007). While avoiding merely repeating these earlier arguments, Applicant will herein highlight various deficiencies in the existing rejection of Claim 1.

First, the rejection of Claim 1, among others, is based substantially on the fact that Ratcliff mentions both parallelization and databases. In response, Applicant does not deny that both parallelization and databases were well known, and that Ratcliff happens to mention both of these technologies. However, the mere mention of A and B separately does not anticipate a specific method of using A and B together in a particular manner. (Note: a common dictionary mentions both hamsters and airplanes, but cannot be said to teach hamsters flying airplanes).

Similarly, the Office Actions thus far have not pointed out any citations where “parallelization” and “database” are combined as recited in Claim 1.

The Final Office Action mailed August 31, 2007, also mis-stated and oversimplified Applicant’s position, suggesting “Applicant argued, Ratcliff does not contain slave processes and sending to each slave process data that indicates which part of a set of information should be performed by that slave process” (page 3, paragraph 4). This remark is not an accurate paraphrasing of Applicant’s position, nor does this remark track with the language of Claim 1.

As shown above, Claim 1 reads, *inter alia*, “sharing *the* set of information with *each* slave process of said plurality of slave processes” (emphasis added). Note that the italicized ‘the’ conveys that the *same* set of information is shared with *each* slave process. Meanwhile, the whole point of the Ratcliff invention is to *not* share the same information with each processor 105-130, but instead sub-divide the overall task so that each processor 105-130 only performs a *portion* of a task (see at least FIG. 3, column 7 lines 44-58). Thus, the rejection of Claim 1 is flawed in that it appears to be based on a misunderstanding and misinterpretation of what Applicant means by “set of information”.

This is reinforced by the fact that when Ratcliff engages in the process of parallelization, the distributing server 210 distributes algorithms and/or algorithm portions to various respective processors 105-130 (Ratcliff, col. 7, lines 50-54). However, those processors are only sent information about their specific algorithm that they are responsible for. Sometimes more than one processor will receive the same algorithm (Ratcliff, col. 7, lines 55-58). Nonetheless, in all instances within Ratcliff, the processors 105-130 will only execute the algorithm that it is sent, and will not know anything about any other algorithms being sent to any other processors. Thus, Ratcliff’s algorithm can not correspond to the claimed “the set of information”. If Applicant were claiming “sharing separate sets of non-overlapping

information with each slave process” that would be different. However, that is not what Applicant is claiming.

The rejection of Claim 1 also has an error in misinterpreting a portion of part (b) therein. Claim 1, which recites among other things, sharing the set of information with (as emphasized) *each* slave process, including (a) information about a task to be performed by said slave process, and (b) information about one or more tasks, to be performed by processes *other than* the slave process, to execute the database statement (emphasis added).

Conversely, Ratcliff’s distributing server does not give any information to a processor 105-130 other than the algorithm that specific processor is responsible for executing. Within Ratcliff, such a policy would make sense, as a key purpose of Ratcliff is to take a large expensive complex task and divide it into smaller less complex more digestible tasks (see e.g. col. 9, lines 13-53). However, within Applicant’s invention, such an arrangement would not make sense, as the claimed “set of information” made available to each slave includes the complete execution plan, and is not limited to the portion of the plan that is specific to the role of that particular slave in the execution of the plan. Because the slave is exposed to this information, the slave can make intelligent decisions with respect to how to execute its portion of the execution plan. (Applicant’s Specification, paragraph 0029). This reinforces the idea that the arguments contained in the Office Action suggest an incomplete or inaccurate understanding of what Applicant means by the claimed “set of information”.

Additionally, as shown above Claim 1 also recites sending to *each* slave process data that indicates which part of a set of information should be performed by that slave process. It would be impossible for Ratcliff to disclose this, as Ratcliff’s distributing server does not give any information about any other processes to a processor. Thus, there would be no need for

Ratcliff to indicate which part of a “set of information” a processor 105-130 should execute, as none of the Ratcliff processors 105-130 would need to make such a choice.

The Examiner’s rejection of Claim 1 based on Ratcliff thus constitutes a clear factual deficiency and is improper.

OTHER CLAIMS

The rest of the pending claims in the Application either contain limitations similar to those discussed above with respect to Claim 1, or depend directly or indirectly on claims which contains those limitations. Because each of the dependant claims includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, Applicants respectfully request that the Panel make a finding that the Application is allowed on the existing claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,
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